SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	January 13, 2016
Time of Incident:	7:00 PM
Location of Incident:	
Date of COPA Notification:	March 13, 2016
Time of COPA Notification:	3:49 PM
has a disability and threw him to	d that Officer said he did not "give a fuck" the ground. Further alleged that Officer and and arrested him without justification. COPA's
II. INVOLVED PARTIE	S
II. INVOLVED PARTIE Involved Officer #1:	Star Employee ID Date of Appointment: 2004, Police Officer, Unit (Narcotics Division), Date of Birth: 1981, Male, White
	Star Employee ID Date of Appointment: 2004, Police Officer, Unit (Narcotics Division), Date of Birth: 1981, Male,
Involved Officer #1:	Star Employee ID Date of Appointment: 2004, Police Officer, Unit (Narcotics Division), Date of Birth: 1981, Male, White Star Employee ID 1981, Male, White Star Employee ID 1981, Male, White Star Employee ID 1981, Male, Police Officer as Detective, Company (Bureau of Detectives – Area Central), Date of Officer as Detective, Date of Officer as Detective, Company (Bureau of Detectives – Area Central), Date of Officer as Detective, Date of Detectives – Area Central), Date of Officer as Detective, Date of Detectives – Area Central), Date of Detectives – Area Central)

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¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² Detective was a police officer at the time of January 13, 2016 arrest.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer	1. Told he did not "give a fuck" that he has a disability, in violation of Rule 6 and Rule 8.	Not Sustained
	2. Threw to the ground, in violation of Rule 6 and Rule 9.	Not Sustained
	3. Planted evidence on in the form of crack-cocaine, in violation of Rule 14.	Not Sustained
	4. Arrested without justification, in violation of Rule 1.	Not Sustained
Detective	1. Planted evidence on in the form of crack-cocaine, in violation of Rule 14	Not Sustained
	2. Arrested without justification, in violation of Rule 1.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

- 1. **Rule 1**: Prohibits violation of any law or ordinance.
- 2. **Rule 6**: Prohibits disobedience of an order or directive, whether written or oral.
- 3. **Rule 8**: Prohibits disrespect to or maltreatment of any person, while on or off duty.
- 4. **Rule 9**: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- 5. **Rule 14**: Prohibits making a false report, written or oral.

General Orders

1. **G02-01**: Human Rights and Human Resources.³

³ The Human Rights and Human Resources policy referenced in this report was effective from July 3, 1993 until October 5, 2017 (See Att. 36).

2. **G03-02-02**: Force Options.⁴

Federal Laws

1. Fourth Amendment to the United States Constitution: Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION⁵

a. Interviews

on March 17, 2016.⁶ IPRA interviewed the complainant, related that on January 13, 2016, he was the subject of a CPD raid at Apt. 1, and was wrongfully arrested. Per the officers forced their way into the apartment. was in the front room and a police officer told to freeze, which he did. When he has a disability, an officer told he did not "give a fuck." was then grabbed and slammed to the ground. believed the officer who did this was shorter than 5'11" with a brown or red beard (identified as Officer learned this was the arresting officer once he was at the police station. The officers were all male and either Hispanic or white. he was falsely arrested because he went to court and his case was thrown out. drugs were planted by the police officers and denied he had drugs on his person. related no one else was arrested, but three people were in the basement apartment. stated that these people did not witness the officers' actions because they were brought into the first-floor unit from the basement after the fact. did not know their names. stated that an older male was present in the first-floor apartment during the arrest, but he was in the back of the unit, could not have seen anything, and has bad hearing. declined to provide this older male's name or contact information. stated this was not his residence. He was at this residence to get his cousin's social security card and other belongings because his cousin previously lived there. cousin was not present. further alleged that once at Homan Square, Officer tried to "trick" him. elaborated that he did not know what he was arrested for. Officer told he told the officer about a gun, the officer would let did not tell the officer about go. a gun because he thought Officer would then plant it on reported he never had any problems with the police prior to this. was interviewed by COPA on August 7, 2018.9 Detective related that on January 13, 2016, he was assisting on a search warrant at

⁴ The Force Options policy referenced in this report was effective from January 1, 2016 until October 16, 2017 (See

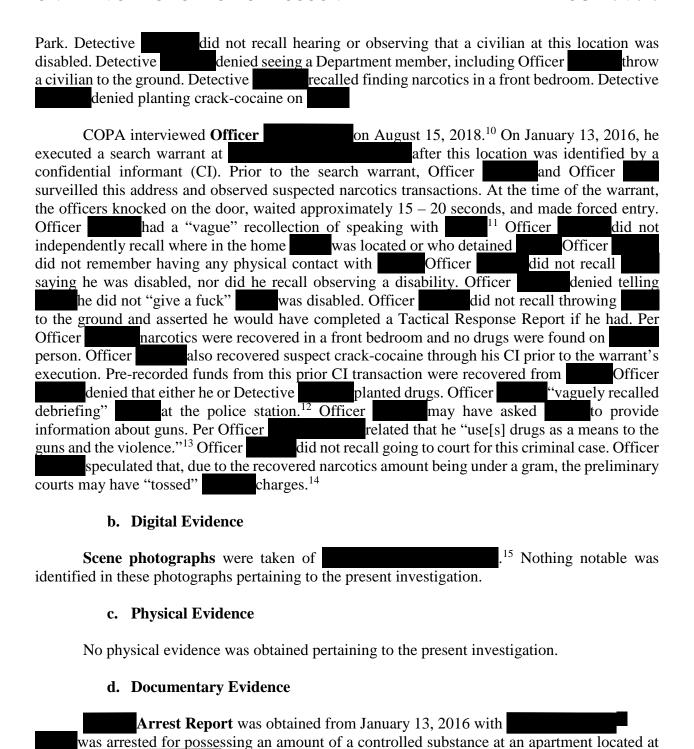
⁵ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁶ Att. 17

told IPRA he has a spinal cord injury that effects his legs.

⁸ Approximately 7:14 minute mark of Att. 17.

⁹ Att. 24



¹⁰ Att. 29

1st Floor.

was the target of search warrant

¹¹ Approximately 8:47 minute mark of Att. 29.

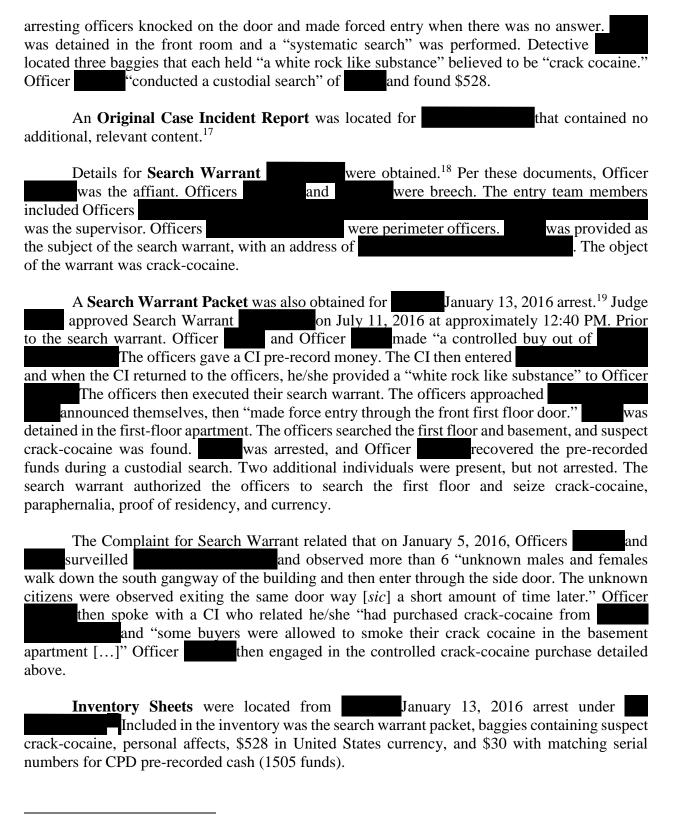
¹² Approximately 14:40 minute mark of Att. 29.

¹³ Approximately 15:25 minute mark of Att. 29.

¹⁴ Approximately 16:00 minute mark of Att. 29.

¹⁵ Att. 11

¹⁶ Att. 5



¹⁷ Att. 6

¹⁸ Att. 7

¹⁹ Att. 35

²⁰ Att. 8

An **Office** of Emergency Management and Communications Event Query was obtained related to January 13, 2016 arrest. ²¹ A search warrant was initiated at about 6:59 PM at The event was closed at about 12:22 AM on January 14, 2016.

e. Additional Evidence

A docket for **Case Number** was obtained from the Cook County Clerk of Courts, for the criminal charges stemming from January 13, 2016 arrest.²² was charged with felony possession of a controlled substance on January 14, 2016. A judgement of nolle prosequi was entered on February 3, 2016.

VI. ANALYSIS

COPA finds that Allegation 3 against Officer and Allegation 1 against Detective that the Officers planted evidence on some sis Not Sustained. Additionally, COPA finds Allegation 4 against Officer and Allegation 2 against Detective without justification, is Not Sustained.

The evidence in this case suggests that the officers followed all required protocol in obtaining and executing a search warrant, and there is no evidence affirmatively showing that their statements to COPA were untruthful. On the other hand, parts of demonstrably false; specifically, he stated that he lived at County Assessor, Google Maps, and general internet listings, has been a government-owned vacant lot since at least November 2015.²³

Ultimately, however, there is no independent evidence to corroborate the officers' statements. The officers obtained a search warrant based on a confidential informant; thus, COPA has no way of determining the validity of that search warrant and whether the officers had probable cause to believe was committing the crime of possession of a controlled substance with the intent to deliver. There is also no way of verifying whether the officers actually recovered CPD pre-recorded funds from as the documents pertaining to the recovery of those funds were authored by the officers. In sum, based on the lack of independent corroborating evidence, the allegations against Officer and Detective must be **Not Sustained**.

Allegations 1 and 2 against Officer that he told the did not "give a fuck" that he has a disability and threw to the ground are also **Not Sustained**. Officer denied both allegations. However, COPA does not have the benefit of video evidence or an impartial third party to corroborate or refute the allegations. Therefore, the allegations must be **Not Sustained**.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

²² Att. 10

²¹ Att. 9

²³ Att. 38

Approved:

Officer	Allegation	Finding
Officer	1. Told he did not "give a fuck" that he has a disability, in violation of Rule 6 and Rule 8.	Not Sustained
	2. Threw to the ground, in violation of Rule 6 and Rule 9.	Not Sustained
	3. Planted evidence on in the form of crack-cocaine, in violation of Rule 14.	Not Sustained
	4. Arrested without justification, in violation of Rule 1.	Not Sustained
Detective	1. Planted evidence on in the form of crack-cocaine, in violation of Rule 14	Not Sustained
	2. Arrested without justification, in violation of Rule 1.	Not Sustained

	Date	
$D = (C1 \cdot CA \cdot C1 \cdot CA \cdot C1 \cdot CA \cdot CA \cdot CA \cdot $		
Deputy Chief Administrator – Chief Investigator		

Appendix A

Assigned Investigative Staff

Squad#:	Four
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	